

Application Serial No. 10/669,118  
Response dated August 15, 2006  
Reply to Office Notice of July 6, 2006

**REMARKS**

This is in response to the Final Office Action of July 6, 2006. Entry of this Amendment is respectfully requested. It is submitted that this Amendment places the claims clearly in condition for allowance; or alternatively, places the claims in condition for appeal.

In the Office Action, the claims continued to be rejected over the prior art, in particular Maxwell, Mack and Gutkowski. Applicant respectfully disagrees with the rejection, and particularly with the use of Gutkowski as a reference. Gutkowski clearly does not show an orientation device, as recited in the claims, that is part of a filter element. Rather, as explained in Applicant's response of June 2, 2006, Gutkowski clearly describes a pin 78 extending from a disk portion 35 of valve member 34. Valve member 34 is an entirely separate component from filter element 59. As with the other references, there is nothing in this reference which requires the **filter element** to be rotationally oriented within the housing. Again, pin 78 only rotationally orients the valve assembly to allow fluid flow into and out of the housing. Such valve assembly remains with the housing when the filter element is removed and replaced.

It is believed that the claims currently in the application properly define the invention as they describe a filter element with an end cap, and an orientation device "fixed to and integral with the first end cap", such as described in claim 1 – the other

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independent claims being having similar or the same language. It is believed the Examiner understands this distinction, that is, that the pin in Gutkowski is not part of the element, and that Applicant and the Examiner are merely at disagreement over the proper terminology to describe this. Should the Examiner have appropriate terminology that he believes would properly define over Gutkowski, Applicant would be pleased to consider it.

Moreover, claim 6 describes the orientation device as “unitary with the first end cap”. It is believed this further clearly distinguishes the prior art, and in particular Gutkowski, from the present invention, as in no way in pin 78 in Gutkowski “unitary” with an end cap of the filter element. Again, pin 78 appears to project outwardly from a disk 35, however such disk 35 is, again, part of a valve assembly, and not part of the filter element 59<sup>1</sup>.

It is believed that the claims currently in the application properly define the invention in a manner which patentably distinguishes over the prior art. By this Amendment, Applicant has also proposed certain changes to claims 1, 11, 12 and 22 in order to move this case forward. Namely, the term “permanently fixed” is suggested to differentiate over Gutkowski. Again, Gutkowski does not show an orientation device “permanently fixed to” an end cap of the filter element. The element can be removed from the housing in Gutkowski and replaced without removal of the valve assembly. Thus, it is not “permanently fixed” to disk portion 35. While the term “permanently” is

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<sup>1</sup> Claim 1 describes the end cap as being “sealingly bonded to the first end of the media ring”. The Gutkowski disk 35 is not such a component.

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being submitted in this Amendment After Final, it is believed that this does not raise new issues or require further consideration, as the Examiner has already considered the term "unitary" when describing the orientation device and the first end cap, in claim 6.

Applicant respectfully requests that this Amendment be entered, and that the prior rejection be reversed, and that the claims be considered allowable over the prior art. Again, should the Examiner believe that a telephone conversation would further this matter, the Examiner is kindly requested to contact the undersigned attorney at his earliest convenience.

Respectfully submitted,



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